

## **XII. FOSTER CARE 18 TO 21 SERVICES FOR YOUNG ADULTS**

### **A. PURPOSE**

Foster Care 18 to 21 is a program that offers young adults opportunities to continue foster care placement and transition to independence with county child welfare agency supervision. There are some young adults who may not be ready to exit foster care upon turning 18 years of age, and may choose to stay in Foster Care 18 to 21 as long as certain requirements are met. Young adults who exit foster care at age 18 are also able to return to the Foster Care 18 to 21 program at a later date as long as they have not reached their 21<sup>st</sup> birthday.

County child welfare agencies are responsible for providing eligible young adults who enter into an agreement for Foster Care 18 to 21 services with ongoing efforts to help prepare and ensure the young adult's successful transition into adulthood. This policy defines the legal basis for providing foster care benefits and services to young adults, as well as eligibility requirements, development of the Voluntary Placement Agreement (VPA), county oversight, required court hearings, and placement options for young adults receiving services.

### **B. LEGAL BASIS**

In 2008 the Fostering Connections to Success and Increasing Adoptions Act (H.R. 6893/P.L. 110-351) allowed states to receive federal Title IV-E reimbursement for costs associated with supports for young adults to remain in foster care up to age 21. In 2015 the North Carolina General Assembly revised N.C.G.S. §108A-48 ([http://www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter\\_108A/GS\\_108A-48.pdf](http://www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter_108A/GS_108A-48.pdf)) to extend the provision of benefits under this statute to young adults between 18 and 21 years of age effective January 1, 2017.

In addition, N.C.G.S. § 131D-10.2B ([http://www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter\\_131D/GS\\_131D-10.2B.pdf](http://www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter_131D/GS_131D-10.2B.pdf)) provides authority under which young adults who turn 18 in foster care can continue to receive foster care services until the age of 21 through the Foster Care 18 to 21 program.

### **C. ELIGIBILITY AND FUNDING**

#### **PROGRAM ELIGIBILITY CRITERIA**

Young adults who were in foster care upon their 18<sup>th</sup> birthday may continue to receive foster care benefits and services up to 21 years of age as long as one of the following criteria is met on an ongoing basis (N.C.G.S. §108A-48(c)):

- Completing high school or a program leading to an equivalent credential; or
- Enrolled in an institution that provides postsecondary or vocational education; or

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- Participating in a program or activity designed to promote or remove barriers to employment; or
- Employed for at least 80 hours per month; or
- Incapable of completing the educational or employment requirements due to a medical condition or a disability.

The young adult must also:

- Have been in foster care upon his/her 18th birthday; and
- Be 18 years of age, but not yet 21 years of age;
- Enter into a Voluntary Placement Agreement with a county child welfare agency and agree to abide by the provisions of the agreement; and
- Agree to reside in an approved placement.

Young adults who initially choose to opt out of foster care upon attaining 18 years of age may choose to receive Foster Care 18 to 21 services at a later date as long as they have not reached their 21<sup>st</sup> birthday, and they meet at least one of the program eligibility requirements listed above.

#### **FUNDING FOR FOSTER CARE 18 TO 21**

All young adults receiving Foster Care 18 to 21 services remain eligible for foster care maintenance payments. Eligible young adults will receive the standard board rate as set forth by the NC General Assembly:

[http://www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter\\_108A/GS\\_108A-49.1.pdf](http://www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter_108A/GS_108A-49.1.pdf)

Entry into Foster Care 18 to 21, whether upon the young adult's 18<sup>th</sup> birthday, or re-entry between 18 years of age and up to 21 years of age, is considered a new foster care episode, therefore a new eligibility determination is required. Upon the young adult entering into a Voluntary Placement Agreement for Foster Care 18 to 21, the Determination of Foster Care 18 to 21 Benefits and/or Medical Assistance Only form (DSS-5120E) must be completed.

Determinations are based solely on the young adult without regard to the parents, legal guardians, or others in the home in which the young adult was removed from as a child, or relatives the young adult is currently residing with. Eligibility redeterminations are required every twelve months.

#### **IV-E ELIGIBILITY DETERMINATION**

Federal Title IV-E funding is available to young adults who meet certain eligibility requirements. Eligibility requirements for IV-E funding must be verified and documented on the Determination of Foster Care 18 to 21 Benefits and/or Medical Assistance Only form (DSS-5120E).

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The table below describes each eligibility requirement for Title IV-E Foster Care Maintenance Payments for young adults receiving Foster Care 18 to 21 benefits:

<b>Judicial Determination</b>	<b>AFDC Related Requirements</b>	<b>Age</b>	<b>Placement and other Requirements</b>
A judge must find that the young adult's participation in Foster Care 18 to 21 is in his or her best interest; (this finding must be made within 90 days of the young adult's voluntary placement in Foster Care 18 to 21, if the placement is to continue with Title IV-E support).	<b>Deprivation:</b> Deprivation is automatically met as long as the young adult is NOT living with a biological or adoptive parent.	The young adult must be age 18, 19, or 20; <b>and</b> <ul style="list-style-type: none"> <li>• completing high school (or equivalent credential); or</li> <li>• enrolled in college (or equivalent level vocational education); or</li> <li>• participating in a program or activity designed to promote employment or remove barriers to it; or</li> <li>• employed for at least 80 hours per month; or</li> <li>• incapable of any of these activities due to a medical condition (documented on the young adult's Transitional Living Plan and updated every six months).</li> </ul>	The young adult must be the placement responsibility of a county child welfare agency; <b>and</b>  The young adult must be placed in an eligible setting, which is defined as a family foster home, group home facility, college or university dormitory, or a semi-supervised independent living arrangement. (The young adult must not be placed in a locked detention facility). See Section VI for additional information on placement options; <b>and</b>  The young adult must have an individualized Transitional Living Plan which includes goals and activities that the young adult is working towards. See Section V for more information on Transitional Living Plans; <b>and</b>  The young adult must be a U.S. citizen or a "qualified alien."
	<b>Need:</b> The young adult must meet the definition of "needy" based on his or her income and resources. As long as the young adult's countable income does not exceed 100% of the need standard and meets the \$10,000 resource limit, the young adult is considered to meet the financial need.		

**FUNDING FOR YOUNG ADULTS WHO ARE NOT IV-E ELIGIBLE**

For young adults who are not IV-E eligible, State Foster Home Funds (SFHF) are available to pay 100% of the standard board rate.

County child welfare agencies are held harmless from contributing fifty percent (50%) of the nonfederal share of the cost for an individual receiving benefits pursuant to N.C.G.S. § 108A-48(c).

**Note:** The young adult does not have to be placed in a licensed foster care facility in order to be IV-E eligible.

### **FOSTER CARE MAINTENANCE PAYMENTS**

All young adults in Foster Care 18 to 21 remain eligible for foster care maintenance payments. Maintenance payments can be made to a licensed foster parent, child placement agency, foster care facility, or a relative or host family. The individual receiving the maintenance payment is not required to be a licensed foster parent. Maintenance payments can also be paid directly to the young adult whether he or she is residing in a licensed or unlicensed placement setting. The county child welfare agency is responsible for conducting individual assessments to determine if this is in the young adult's best interest. If payments are paid directly to the young adult, financial management should be a goal on his or her Transitional Living Plan, and the agency must work closely with the young adult to ensure that he or she is budgeting the money appropriately. Maintenance payments may cover room and board/rent and other living costs the young adult may have.

### **HEALTHCARE ELIGIBILITY**

The Affordable Care Act (ACA) extends Medicaid coverage to youth aging out of foster care on or after their 18<sup>th</sup> birthday, to age 26. Individuals who turn age 18 while in foster care continue to be eligible for Medicaid. To qualify, young adults must meet all of the following criteria:

- Age 18 to 26
- In foster care at age 18 and enrolled in NC Medicaid
- A resident of North Carolina
- Not receiving Medicaid from any other state
- Not an inmate of a public institution

All young adults aging out of foster care must be referred to their local Medicaid office to apply for continuing healthcare coverage.

### **YOUNG ADULTS RECEIVING SOCIAL SECURITY BENEFITS**

Young adults receiving Social Security Administration (SSA) benefits, such as Supplemental Security Income (SSI), or Retirement, Survivors, Disability Insurance (RSDI), or other monthly benefits designated for the young adult's care and support, does not affect his or her eligibility for Foster Care 18 to 21 benefits. Once the young adult turns 18 years of age, he or she becomes the payee for all benefits. In these cases, the young adult's Transitional Living Plan should reflect goals and activities geared towards financial management. It is the responsibility of the county child welfare

agency to assist the young adult with managing the SSA benefits to ensure his or her financial needs are met.

### **EDUCATION/TRAINING VOUCHERS AND NC REACH**

Young adults participating in Foster Care 18 to 21 services are eligible to receive Education/Training Vouchers (ETVs) and NC Reach Scholarships to defray the costs of attending postsecondary education or vocational training institutions. ETVs cannot pay for items which the foster care maintenance payment covers, such as housing and food. ETVs can be used to pay for tuition, fees, books, computers, etc. For more information, visit the ETV website: <http://www.fc2sprograms.org/>.

NC Reach provides state-funded grants to young adults who were in foster care upon their 18<sup>th</sup> birthday. Young adults receiving Foster Care 18 to 21 benefits can use the funding to attend public community colleges and universities in North Carolina. These funds can be used to pay for tuition, fees, books, and room and board. The foster care maintenance payments can then be used for other living expenses. For more information, visit the NC Reach website: [www.ncreach.org](http://www.ncreach.org).

### **TEMPORARY BREAKS IN PARTICIPATION**

It is likely there will be times when young adults will be in transition between eligibility requirements. For example, a young adult may lose a job, or have to quit school for medical reasons. These circumstances alone do not make young adults ineligible for Foster Care 18 to 21 services. As long as the young adult is still working towards goals on his/her Transitional Living Plan, a setback does not automatically disqualify them from the program. A fully developed backup plan must be included in the young adult's Transitional Living Plan to address unexpected gaps in eligibility. Participation in a program or activity designed to promote or remove barriers to employment, can be used during such breaks in participation. In addition, medical conditions/disabilities that prevent the young adult from meeting the education and employment requirements can be used when temporary medical issues arise.

Scheduled school breaks do not affect the eligibility status of young adults in Foster Care 18 to 21 as long as they are enrolling for the following semester.

Young adults can continue to receive benefits and services up to 60 days following the break in participation. During this time, the young adult must make reasonable efforts to meet at least one of the eligibility requirements for the Foster Care 18 to 21 program. If the 60-day mark is approaching and/or the young adult is not making reasonable efforts to meet an eligibility requirement, a Transition Support Team (TST) meeting must be held to develop a plan and determine if the case needs to be reviewed in court and termination of services requested.

### **TEMPORARY ABSENCES FROM PLACEMENT**

Temporary absences from placement are those in which a young adult is absent from his or her approved placement on a short-term basis, and intends to return to the same placement. These absences are different from a young adult leaving foster care with no concrete intentions of returning, yet later opts to re-enter Foster Care 18 to 21.

Examples of temporary absences from placement include short-term hospitalizations, family visits, or vacations.

During a temporary absence from placement, a young adult may continue to receive Title IV-E Foster Care Maintenance payments if the absence does not exceed 14 days. An absence that exceeds 14 days, can either be a suspension of services or a termination of services.

**i. Suspension of Services:**

A suspension of services occurs when the young adult has been away from his or her placement for more than 14 days with a valid explanation and has communicated his or her intent to return to the program. In addition, the young adult continues to meet at least one eligibility requirement for Foster Care 18 to 21 services. The extended absence must be approved by the county child welfare agency. Foster Care 18 to 21 services are temporarily suspended, however, foster care maintenance payments may continue. SFHF can be used to cover the amount of days the young adult is absent beyond 14 days and up to 30 days.

**ii. Termination of Services:**

Termination of services occurs when the young adult has been away from his or her placement for 14 or more days without approval from the county child welfare agency. In addition, the young adult has not communicated his or her intent to return to the placement. Foster care maintenance payments must be terminated immediately, and a court review hearing must be held to terminate Foster Care 18 to 21 services.

### **D. LEGAL RESPONSIBILITY FOR PLACEMENT**

Young adults receiving Foster Care 18 to 21 services are adults for all purposes except the continued provision of foster care services. These young adults need the same degree of independence and decision making that other young adults over age 18 are granted.

A young adult who is at least 18 years of age but less than 21 years of age, and was in the custody of a county child welfare agency upon reaching his or her 18th birthday, must enter into a Voluntary Placement Agreement with the county child welfare agency in order to receive Foster Care 18 to 21 services. The court will hold an initial review

hearing and may periodically review placement and services for young adults receiving services.

### **VOLUNTARY PLACEMENT AGREEMENT**

When a young adult opts to receive Foster Care 18 to 21 services, a Voluntary Placement Agreement must be discussed with and signed by the young adult, as well as the director of the county child welfare agency. The young adult is an equal party in the contractual agreement and must agree to the provisions of the agreement. The Voluntary Placement Agreement gives the county child welfare agency authority to continue placement responsibility and provide foster care services to the young adult.

1. The agreement must be signed within the month of the young adult's 18<sup>th</sup> birthday, or at time of re-entry into Foster Care 18 to 21.
2. If the agreement is signed before the young adult's 18<sup>th</sup> birthday, an additional signature must be obtained on or after the young adult's 18<sup>th</sup> birthday.
3. The agreement is effective on the date of the young adult's 18<sup>th</sup> birthday, or if the young adult is over 18 years of age, the date the agreement is signed.
4. The agreement is valid until the young adult turns 21 years of age, the young adult no longer meets eligibility criteria, the young adult terminates the agreement verbally or in writing, the court determines the young adult is not meeting the goals of the Transitional Living Plan and/or the young adult has violated the Voluntary Placement Agreement for Foster Care 18 to 21, or the young adult has been absent from his / her approved placement for more than 30 days without prior approval from the county department of social services, and the court terminates services.
5. The termination date, along with a statement as to why Foster Care 18 to 21 services were terminated must be documented on the agreement.

### **COURT HEARINGS**

According to N.C.G.S. §7B-910.1

([http://www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter\\_7B/GS\\_7B-910.1.pdf](http://www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter_7B/GS_7B-910.1.pdf)), the court shall review the placement of a young adult in Foster Care 18 to 21 when the director of social services and a young adult enter into a Voluntary Placement Agreement. The initial review hearing is held no more than 90 days from the date the Voluntary Placement Agreement is executed. The court shall make findings from evidence presented at this review hearing with regard to all of the following:

1. Whether the placement is in the best interest of the young adult;
2. The services that have been or should be provided to the young adult to improve the placement; and
3. The services that have been or should be provided to the young adult to further the young adult's educational or vocational ambitions, if relevant.

In addition, the court will review the placement upon the written request of the young adult or director of social services, and the court may schedule additional hearings to monitor the placement and progress toward the young adult's educational or vocational ambitions.

There will be no guardian ad litem appointed to young adults receiving Foster Care 18 to 21 services.

#### **E. COUNTY OVERSIGHT OF PLACEMENTS**

Ongoing casework is required for young adults receiving Foster Care 18 to 21 services. County child welfare agencies must make reasonable efforts to implement a plan for supports and services for independent living. Ongoing casework requirements include:

- Development and maintenance of an individualized Transitional Living Plan that includes goals that will assist the young adult in transitioning into self-sufficiency;
- Development of a Transition Plan 90 days prior to the young adult's 21<sup>st</sup> birthday, or planned exit from Foster Care 18 to 21;
- Monthly contacts with the young adult, including quarterly in home assessments of the young adult's living arrangements;
- Periodic case review meetings to provide support to the young adult in developing and achieving the goals identified on his or her Transitional Living Plan;
- Regular reviews and verification of eligibility conditions; and
- Yearly credit checks.

#### **TRANSITIONAL LIVING PLAN**

Public Law 113-183 (<https://www.congress.gov/113/plaws/publ183/PLAW-113publ183.pdf>) requires policies and procedures to be in place to support successful transitions to adulthood for older children in foster care. The following are requirements of P.L. 113-183:

- Children age 14 and older are included in the development of their Transitional Living Plan;
- Children age 14 and older are given the opportunity to choose up to two members to be part of their case planning team;
- Children 14 and older receive an annual copy of their credit report and assistance to fix any inaccuracies; and
- All youth aging out of foster care be given important documents including their social security card, a driver's license or state identification, certified birth certificate, and a copy of their medical records.



## 1. Purpose of the Transitional Living Plan in Foster Care 18 to 21

The purpose of the Transitional Living Plan (TLP) is to develop individualized goals that will assist the young adult in transitioning into self-sufficiency. It also includes specific information the young adult will need in preparation of exiting Foster Care 18 to 21. The TLP must be developed in partnership with the young adult and individuals identified as his or her supports.

The goals and anticipated outcomes on the TLP will ensure the young adult's active and meaningful participation in one or more of the eligibility requirements for Foster Care 18 to 21. It will also outline independent living services, document the young adult's approved placement setting, include a plan for transitioning into adulthood and living independently, and provide steps the young adult, social worker, and other support team members are taking to ensure the young adult achieves independent living, including but not limited to: housing, education and/or employment, money management, and maintaining permanent connections to caring and committed adults. The TLP will also include a fully developed backup plan in the event of an unplanned break in participation, as well as a transition plan for young adults approaching their 21<sup>st</sup> birthday, or a planned exit from Foster Care 18 to 21.

## 2. Development and Maintenance of the Transitional Living Plan

The development, maintenance, and finalization of the TLP must follow the timeframes below:

<b>Initial Development of the TLP</b>	<ul style="list-style-type: none"> <li>No later than 30 days following the youth's 14<sup>th</sup> birthday (or upon entering foster care if 14 or older)</li> </ul>	
<b>Updating the TLP</b>	<ul style="list-style-type: none"> <li>Every six months following the development of the TLP; and</li> <li>No later than 90 days prior to the youth's 18<sup>th</sup> birthday (update TLP <b>and</b> complete 90-day transition plan)</li> </ul>	
<b>90 Day Transition Plan: discuss option of continuing in Foster Care 18 to 21</b>	1. If youth does not wish to participate in Foster Care 18 to 21: ↓	2. If youth wishes to participate in Foster Care 18 to 21: ↓
	<ul style="list-style-type: none"> <li>Finalize the TLP (Part A) to include information to help prepare for the youth's transition out of foster care.</li> <li>Complete the 90 Day Transition Plan (Part B) and ensure youth has copies of all important documents.</li> </ul>	<ul style="list-style-type: none"> <li>Update the TLP (Part A) to reflect the goals and activities the youth must achieve in order to meet eligibility requirements for Foster Care 18 to 21.</li> <li>Complete the 90 Day Transition Plan (Part B) and ensure youth</li> </ul>

	<ul style="list-style-type: none"> <li>Ensure the youth is aware of his/her option to re-enter Foster Care 18 to 21 at any time prior to the youth's 21<sup>st</sup> birthday.</li> </ul>	has copies of all important documents, including a copy of the individualized plan.
<b>Foster Care 18 to 21</b>	<ul style="list-style-type: none"> <li>Within 30 days following the young adult's 18<sup>th</sup> birthday, but prior to the initial court hearing;</li> <li>Within 90 days following that date;</li> <li>Every three months thereafter; and</li> <li>No later than 90 days prior to the young adult's 21<sup>st</sup> birthday, or planned exit from Foster Care 18 to 21. (Finalize TLP (Part A) <b>and</b> Complete 90 Day Transition Plan (Part C)</li> </ul>	
<b>Re-entry into Foster Care 18 to 21</b>	<ul style="list-style-type: none"> <li>Within 30 days of re-entry (date the VPA is signed);</li> <li>Within 90 days following that date;</li> <li>Every three months thereafter; and</li> <li>No later than 90 days prior to the young adult's 21<sup>st</sup> birthday, or planned exit from Foster Care 18 to 21. (Finalize TLP (Part A) <b>and</b> Complete 90 Day Transition Plan (Part C)</li> </ul>	
<p>The TLP is a living document and must be reviewed and updated on an ongoing basis. The timeframes above are required updates; however, the social worker must review the goals and activities on the TLP with the young adult during monthly contacts. The young adult can request to update his or her TLP any time outside of the required timeframes.</p> <p><b>Note:</b> The timeframes for formally updating the TLP for young adults receiving Foster Care 18 to 21 services follow the same timeframes as Transition Support Team Meetings.</p>		

### 3. Elements of the Transitional Living Plan

For young adults receiving Foster Care 18 to 21 services, the TLP must contain the following elements:

- The estimated date of exit from Foster Care 18 to 21;
- The young adult's anticipated living arrangement upon exit, as well as a fully developed alternate exit plan;
- Supportive adults who are working with the young adult as he/she progresses towards self-sufficiency;
- Specific goals that relate to the young adult's transition to self-sufficiency, including educational and vocational training, the development of a personal support system, building independent living skills, the assurance

- of safe and secure planned and alternative living arrangements upon exit, and steps toward assuring any other unmet desired outcome;
- The agreed-upon steps to be taken to meet the goals, the young adult's responsibility for aspects of the plan, and the responsibility of the agency and other persons who will assist the young adult in accomplishing those steps;
- A fully developed backup plan in the event of a break in participation;
- The date of the plan; and
- Signatures of the young adult, local child welfare agency representative, and other participants responsible for the plan activities.

### 90 DAY TRANSITION PLAN

The Fostering Connection to Success and Increasing Adoptions Act of 2008 (P.L. 110-351) requires that within 90 days prior to a young adult being discharged from foster care at the age of 18 or older, the county child welfare agency must develop a personalized transition plan with the young adult in preparation of transitioning into adulthood. For young adults in the Foster Care 18 to 21 program, this would either be within the 90 days of the young adult turning 21 years of age, or within 90 days of a planned exit prior to turning 21 years of age. If the young adult makes an unplanned exit from the program, the transition plan is still required and must be provided to the young adult. The transition plan must:

- Be executed during the 90-day period immediately prior to the date planned exit date;
- Be young adult driven and as detailed as the young adult chooses;
- Include specific options regarding how to access housing, health insurance, education, local opportunities for mentoring services and continuing services, sexual health, services and resources to ensure the young adult is informed and prepared to make healthy living decisions about their lives;
- Include information on the importance of designating someone to make health care treatment decisions on behalf of the young adult if the young adult is unable to do so and does not have or want a relative who would otherwise be so designated under North Carolina law to make such decisions; and
- Include information about how to execute a health care power of attorney, health care proxy, or other similar documents recognized under North Carolina law. The document entitled, "Heath Care Power of Attorney" is provided by the North Carolina Department of Secretary of State and can be accessed at: <http://www.secretary.state.nc.us/ahcdr/forms.aspx>.

The Transition Plan for exiting Foster Care 18 to 21 services is an extension of the Transitional Living Plan.

## **MONTHLY CONTACTS AND SUPERVISION**

County child welfare agencies must conduct monthly contacts with young adults in the Foster Care 18 to 21 program. Within a three-month cycle, two of the three contacts must be made face-to-face. The other contact within the three-month cycle can be made via email, phone call, or skype. The non-face-to-face contact must address the same items that would be addressed during a face-to-face contact and cannot occur in consecutive months. The face-to-face contacts can take place at a location agreed upon by the young adult and social worker. Quarterly in home visits are required to assess the young adult's living arrangements and determine whether ongoing approval of the placement is appropriate. The only exception is young adults who reside in a college / university sponsored dormitory. In home assessments are not required for these type placements. Documentation of the monthly contact must be made on the Monthly Contact Record for Foster Care 18 to 21 and include the following:

- Date and location of visit;
- Progress made towards personal goals and activities on young adult's transitional living plan;
- Access to community resources and services to enhance independent living skills;
- Concerns that have been identified and services that are needed to address the concerns; and
- Action steps that need to be taken prior to next visit and who is responsible.

## **CASE REVIEWS**

The case of every young adult receiving Foster Care 18 to 21 services must have a support team who is responsible for developing and reviewing the young adult's transitional living plan on an ongoing basis. This is to be done through Transition Support Team (TST) meetings and documented on the young adult's Transitional Living Plan. The team should be led primarily by the young adult, who plays a large role in the development and maintenance of the Transitional Living Plan with input and help of the support team.

### **1. Required Transition Support Team participants**

The following are required participants of a young adult's support team:

- Young adult
- Social Worker
- At least one person the young adult identifies as a support

Other participants may include, but are not limited to:

- Service providers
- Placement resource representative, if applicable

- Other individuals the young adult identifies

**Note:** The young adult must agree to each participant being a part of his or her support team.

## **2. Required Timeframes for Transition Support Team Meetings**

TST meetings are required at the following intervals:

- within 30 days of the young adult turning 18 years of age, but prior to the initial court hearing; **OR** if a re-entry, within 30 days of the young adult signing the Voluntary Placement Agreement and 90 days from that date;
- every three months thereafter;
- no more than 90 days prior to the young adult's 21<sup>st</sup> birthday, or planned exit from Foster Care 18 to 21; and
- whenever there is a significant change in circumstances, or a break in participation.

**Note:** Young adults can request to meet with their Transition Support Team more frequently than required.

## **3. Purpose of the Transition Support Team Meetings**

The primary purpose of the Transition Support Team is to provide support to the young adult in developing and achieving the goals identified on his or her Transitional Living Plan. During these meetings, the support team must:

- Ensure the young adult has a sufficient social support system in place;
- Review the short and long term goals identified by the young adult and support team, and discuss action steps needed for the young adult to achieve those goals;
- Discuss young adult's willingness to actively participate in an education program and/or employment in order to meet eligibility requirements;
- Development of a backup plan in the event of unexpected breaks in participation;
- Other factors affecting the young adult's transition to independence; and
- Any issues/concerns the young adult would like to discuss.

Young adults have the right to participate fully in every Transition Support Team meeting, and the meetings should be scheduled with consideration of the young adult's schedule. A timely written notice must be sent to the young adult, and other participants, prior to each meeting that includes the date, time and location of the

meeting. Signatures of all persons attending the TST meeting must be recorded on the Transitional Living Plan.

## **REVIEW OF PROGRAM ELIGIBILITY**

Once program eligibility conditions have been established, the county child welfare agency is responsible for ensuring the young adult continues to meet the eligibility requirements on an ongoing basis. This is done through monthly contacts with the young adult, and information obtained is documented in the Monthly Contact Record for Foster Care 18 to 21. Written verification supporting the young adult's eligibility must be reviewed and documented in the record every six months. The court must review cases in which the young adult fails to meet one of the eligibility requirements in N.C.G.S. § 108A-48(c) for 60 or more consecutive days, and determine if services should be terminated. In addition, young adults must immediately contact the county child welfare agency concerning any changes that would affect their eligibility such as the loss of a job, withdrawal from school, or completion of a program.

## **CREDIT CHECKS FOR YOUTH 18-21**

County child welfare agencies are responsible for assisting young adults receiving Foster Care 18 to 21 services with obtaining his or her credit report once every year until reaching 21 years of age. Since young adults receiving Foster Care 18 to 21 services are legal adults, permission must be obtained prior to the agency accessing credit reports. Young adults also have the right to refuse this service. If a young adult does refuse assistance in obtaining his or her credit report, this must be documented on the young adult's Transitional Living Plan. Credit reports can be accessed at [www.annualcreditreport.com](http://www.annualcreditreport.com). The Fair Credit Reporting Act (FCRA) requires each nationwide Credit Reporting Agency (CRA) to provide adults with a free copy of their credit report once every 12 months.

## **F. PLACEMENT OPTIONS**

Young adults receiving Foster Care 18 to 21 services may reside in a licensed foster care home or facility, a college or university dormitory, or in a semi-supervised independent living setting such as an apartment or a host home. Semi-supervised independent living settings must be approved by the director of the county child welfare agency.

## **FOSTER CARE HOME / FACILITY**

For purposes of Foster Care 18 to 21, foster care homes and facilities are defined as licensed private homes or group facilities that provide continuing full-time care for young adults who are placed there by a county child welfare agency. Types of foster care homes and facilities include:

- i. Family foster home
- ii. Therapeutic foster home
- iii. Group home

### **COLLEGE / UNIVERSITY DORMITORY**

College or University Dormitory settings are buildings containing a number of private or semiprivate bedrooms for housing a number of persons in a community whose inhabitants are in school and commute to class, work, and/or other personal and social activities. These housing settings are affiliated with and managed by the College or University the young adult is attending. Dormitory settings are usually supervised by a dorm supervisor, or Resident Assistant (RA), who is responsible for conducting room checks, enforcing dorm rules, and ensuring adherence to the established norms and regulations.

### **SEMI-SUPERVISED INDEPENDENT LIVING SETTINGS**

The definition of “Semi-Supervised Independent Living” associated with this policy is as follows:

An unlicensed, least restrictive housing arrangement with approval and ongoing oversight by county child welfare agency staff and, as applicable, a contracted provider. Semi-supervised independent living settings are not licensed placements and do not have to have an identified “caretaker” or supportive adult. These placements should be selected based on the young adult’s best interest, and an individual assessment of his or her needs, goals, and personal preference. These placements allow young adults to live on their own, while still receiving support services to help them become independent and self-sufficient.

For the purposes of the Foster Care 18 to 21 program, semi-supervised independent living settings may include, but are not limited to, the following:

<b>Semi-Supervised Housing / Living Arrangement</b>	<b>Description</b>
Apartment	An apartment setting is a room or suite of rooms with kitchen facilities designed as a residence and generally located in a building occupied by more than one household. This setting may include on-site management.
Other Shared Housing Setting (House, Townhome, or other Rental)	Other shared housing settings are described as a number of people living cooperatively as an unrelated family in a house with an individual or shared bedroom with a limited number of persons to a bedroom. This involves people renting a house or townhome

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	in the community, similar to an apartment situation. This may include on-site management.
Off-Campus University Sponsored Apartments	An off-campus University Sponsored Apartment setting is a room or suite of rooms with kitchen facilities designed as a residence and generally located in a building occupied by more than one household. These specific settings are managed by the University or College to which they are associated and may include on-site management.
Non-College Dormitory	A non-college dormitory setting is a building containing a number of private or semiprivate bedrooms for housing a number of persons in a community whose inhabitants are either employed and/or in school and commute to these and other personal and social activities. This is similar to a college dorm without the relationship to an institution of higher learning. This may include on-site management.
Host Home	A host home setting is a family home with a rented room or garage apartment with access to a kitchen and preferably laundry facilities in the home. The young adult agrees to the household rules and has the independence to come and go as needed for employment, school and other personal and social activities.
Extended Relative or Family Friend	This setting is in the home of an extended relative or close family friend who is willing to allow the young adult to reside in their private residence and support the young adult in his or her transition into adulthood. This setting cannot be the home of the biological or adoptive parents.

**HEALTH AND SAFETY STANDARDS FOR SEMI-SUPERVISED INDEPENDENT LIVING ARRANGEMENTS**

The following minimum standards regarding health and safety must be met when assessing semi-supervised independent living arrangements:

1. The young adult must have an appropriate sleeping area with a bed and room to store his or her belongings. The sleeping area has no more than two adults and is not a kitchen or bathroom.



2. The young adult must have access to a functional bathroom that contains at least one toilet, one sink, and one tub or shower maintained in safe, operating condition free from health hazards.
3. The young adult must have an area to prepare meals, with adequate storage for food free from health hazards. Appliances are in safe operating condition, if applicable.
4. Waste is stored, located and disposed of in a manner that will not permit the transmission of communicable disease or odors, create a nuisance, or provide a breeding place of food source for insects or rodents.
5. Home has adequate and functioning ventilation including heating systems, has running water and electricity.
6. Lighting and outlets are provided in rooms used by the young adult and no electrical hazards are present.
7. Home has a functioning smoke detector installed near the young adult's sleeping area and is audible in each room used by the young adult.
8. The home has at least one exit that ensures a safe, direct, emergency exit to the outside.
9. Indoor and outdoor halls, stairs, ramps and porches are free from obstructions and no structural damage that poses a safety hazard is observed. Living space appears to be safe and free from hazards.

## **G. TERMINATION OF FOSTER CARE 18 TO 21 SERVICES**

### **TERMINATION REASONS**

Foster Care 18 to 21 services **must** be terminated when:

- The young adult reaches 21 years of age; or
- The young adult no longer meets the eligibility criteria; or
- The young adult requests that services be terminated; or
- The court has determined the young adult is not meeting the goals of the Transitional Living Plan and/or the young adult has violated the Voluntary Placement Agreement for Foster Care 18 to 21; or
- The young adult has been absent from his / her approved placement for more than 14 days without prior approval from the county department of social services, and the court has terminated services.

In the event the young adult is refusing to live in an approved placement, is not making reasonable efforts to meet the goals on the Transitional Living Plan, refuses to participate in the development of the Transitional Living Plan or participate in Transition Support Team Meetings, has become involved in criminal activity, or has violated the Voluntary Placement Agreement, the county child welfare agency must request that the case be heard in court to determine whether or not services should be terminated. This

should only be done after the county child welfare agency has made reasonable efforts to engage the young adult in services.

In addition, if the young adult no longer meets the eligibility criteria, he or she is allowed a 60-day grace period in which reasonable efforts to achieve eligibility must be made on the young adult's behalf, with the assistance of the county child welfare agency. A transition between eligibility requirements does not automatically disqualify young adults from the program, however, if the 60-day transition period is coming to an end and the young adult has not made reasonable efforts to meet eligibility requirements, the county child welfare agency must request the court to review the case and determine if the young adult's services should be terminated.

Any time Foster Care 18 to 21 services are terminated by the court, a 30-day written notice of termination of services must be sent to the young adult noting that their Foster Care 18 to 21 benefits and services will terminate 30 days from the date of the notice. The young adult has the right to motion the court to review the case if he or she disagrees with the decision to terminate services. A Motion for Review (AOC-J-140) form must be attached to the 30-day notice, and can be found at the following link: <http://www.nccourts.org/forms/Documents/479.pdf>. Instructions on how to motion the court for review must be included in the written notice.

After termination, young adults can later re-enter the Foster Care 18 to 21 program at any time prior to their 21<sup>st</sup> birthday, as long as one of the eligibility requirements in N.C.G.S. § 108A-48(c) is met.

NOTE: Medicaid must be notified whenever Foster Care 18 to 21 services have been terminated.

#### **H. RE-ENTRY INTO EXTENDED FOSTER CARE**

A young adult who was in foster care upon his or her 18<sup>th</sup> birthday may re-enter Foster Care 18 to 21 any time before reaching 21 years of age. Upon exiting foster care at age 18 or older, the young adult must be provided information on how to enter the Foster Care 18 to 21 program at a later date. If the young adult does choose to return, he or she may contact the county child welfare agency that previously held custody, or the agency in the county where the young adult is currently residing.

The re-entry is considered a new foster care episode and eligibility determination is required. The county child welfare agency must verify program eligibility as well as determine funding eligibility.

In order to re-enter Foster Care 18 to 21, the young adult must meet the following conditions:

- The young adult is 18, 19, or 20 years old;

- The young adult was in foster care upon his or her 18<sup>th</sup> birthday;
- The young adult meets at least one of the eligibility requirements for Foster Care 18 to 21;
- The young adult is willing to enter into a Voluntary Placement Agreement and abide by the provisions of the agreement; and
- The young adult agrees to reside in an approved placement.

If the young adult meets the above conditions, the county child welfare agency and the young adult must enter into a Voluntary Placement Agreement for Foster Care 18 to 21, and the agreement is effective the date it is signed. A Transition Support Team meeting must be held within 30 days of entering into the VPA and the Transitional Living Plan must be updated at that time. A court hearing must be held within 90 days of the date the VPA is signed.

## I. ADULT ADOPTIONS

North Carolina's adoption law does not restrict adoption to children. Adults may also be adopted. For purposes of the adoption law, an adult is defined as an individual who is at least 18 years old, or, if under the age of 18, is either legally married or has been emancipated under applicable state law. County child welfare agencies are responsible for facilitating the adult adoption of a young adult receiving Foster Care 18 to 21 services in accordance with the provisions of N.C.G.S. §48, Article 5 ([http://www.ncga.state.nc.us/EnactedLegislation/Statutes/PDF/ByArticle/Chapter\\_48/Article\\_5.pdf](http://www.ncga.state.nc.us/EnactedLegislation/Statutes/PDF/ByArticle/Chapter_48/Article_5.pdf)). The rights, duties, and obligations of the adoptive parents and the person being adopted are the same as if the adoption had taken place before the adopted person reached 18 years of age.

### Required Documents for an Adult Adoption

**Note:** There is no requirement to complete a home study or pre-placement assessment for an adult adoption.

- **Petition for Adult Adoption (DSS-5164)**  
(<http://info.dhhs.state.nc.us/olm/forms/dss/dss-5163-ia.pdf>): The adoption petition can be filed in the county where the adopting parent lives or where the adoptee lives. The Petition is filed by the adopting parent(s) on their own or through an attorney.
- **Attachments to the Petition:**
  1. **Consent to Adoption by Adult Adoptee (DSS-5164)**  
(<https://www2.ncdhhs.gov/info/olm/forms/dss/dss-5164-ia.pdf>)
  2. **Consent to Adoption by Spouse of Petitioner (DSS-5165)**  
(<https://www2.ncdhhs.gov/info/olm/forms/dss/dss-5165-ia.pdf>): Used when the adult adoptee's stepparent is a petitioner; unless waived for cause.

- **Proof of Notice of Service by Petitioner:** Once an adult adoption petition is filed with the Clerk (and the filing fee paid), the adopting parent(s) gives notice of the adoption to:
  - a. any adult children of the adopting parent; and
  - b. any parent, spouse or adult child of the adoptee listed in the adoption petition.

However, the Clerk may waive the requirement that notice be given to the adoptee's parent for cause. Any person who is entitled to notice of the pending adult adoption may waive that right to notice in writing. A person entitled to notice has the right to respond within 30 days after service. The clerk will determine if the parties voluntarily and knowingly consent to the adoption.

- **Affidavit - Disclosure of Fees and Expenses (DSS-5191)**  
(<https://www2.ncdhhs.gov/info/olm/forms/dss/dss-5191-ia.pdf>): This form is filed by the adoptive parent(s). The Affidavit lists any money the adoptive parent(s) spent in connection with the adoption, such as legal fees. Once this is filed, the Clerk can then schedule the hearing on the final decree of adoption.
- **Decree of Adult Adoption (DSS-5166)**  
(<http://info.dhhs.state.nc.us/olm/forms/dss/dss-5166-ia.pdf>): The adopting parent and adoptee must both appear at the hearing on final decree of adoption unless the Clerk waives this requirement, in which case an appearance for either or both parties can be made by an attorney authorized in writing to make an appearance. The Clerk normally waits 30 days before entering the final decree to allow for the required notices to be given, but the decree can be entered earlier if all consents and notices are complete.
- **Report to Vital Records for Adult Adoption (DSS-5167)**  
(<https://www2.ncdhhs.gov/info/olm/forms/dss/dss-5167-ia.pdf>): This form is sent to Vital Records in Raleigh, which sets out the name of the adoptee and adoptive parent(s). The Clerk orders a new birth certificate entered in those names, if the adult adoptee desires an amended birth certificate. Once a new birth certificate is prepared, the adoptee will be notified and can purchase copies from Vital Records.

### Revocation of Consent to Adoption

Anyone who gives a consent to an adult adoption may revoke the consent at any time before the entry of the decree of adoption by delivering a written notice of revocation to the individual to whom the consent was given. If a petition to adopt has been filed, the notice of revocation shall also be filed with the clerk of court in the county where the petition is pending.

### Legal Status of Birth Parents

The decree of adoption ends the legal parent/child relationship between the adult adoptee and his or her biological or previous adoptive parents, except that a birth parent who is married to an adopting stepparent retains parental rights. This means that the birth parent is relieved of all legal duties and obligations. The adoptee will no longer inherit from the birth parent unless the birth parent has a will and specifically names the

adoptee as a beneficiary. There is no separate termination of parental rights action brought against the adult adoptee's parents. Once the decree of adoption is entered, the adoptee is considered the child of the adoptive parent(s) for all purposes, including inheritance.

See Chapter VI Adoption Services, Section 1303-Special Adoptions Procedures (<https://www2.ncdhhs.gov/info/olm/manuals/dss/csm-50/man/CSs1303.pdf>) for more information regarding adult adoptions.

#### **J. INTERCOUNTY PLACEMENTS AND TRANSFERS**

Young adults receiving Foster Care 18 to 21 services may be placed out-of-county for education and employment purposes. The placement county must continue to provide case management and supervision. County child welfare agencies can agree to courtesy supervision and must develop an Intercounty Agreement for the Provision of Foster Care 18 to 21 Services (addendum to the Voluntary Placement Agreement for Foster Care 18 to 21). Foster Care 18 to 21 cases can be transferred to the county in which the young adult resides if it is in the best interest of the young adult to do so, and both counties involved agree to the transfer.

Young adults who reside in a county other than the one that he or she was in foster care as a minor, can contact either county to request to enter the Foster Care 18 to 21 program. The county that is contacted by the young adult must initiate Foster Care 18 to 21 services by entering into a Voluntary Placement Agreement with the young adult. In these instances, both counties, the county of origin as well as the county the young adult resides in, must develop an Intercounty Agreement for the Provision of Foster Care Services (addendum to the Voluntary Placement Agreement for Foster Care 18 to 21) at the time the Voluntary Placement Agreement is signed. This should be a partnership driven plan in which the young adult is involved in the planning process along with the two counties. The agreement must outline what each county will be responsible for, and must be signed by each party involved. Counties must take the young adult's best interest into consideration when developing the agreement.

#### **K. INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN (ICPC) AND FOSTER CARE 18 TO 21**

The Interstate Compact on the Placement of Children regulates the interstate movement of children to ensure protection and services when placed across states lines for foster care and adoption purposes. ICPC regulations must be followed when placing young adults receiving Foster Care 18 to 21 services across state lines. However, since ICPC uses the broad definition of "child" and does not specify an age restriction, receiving states may not agree to supervise Foster Care 18 to 21 placements. If the receiving state does agree to provide supervision and services for the Foster Care 18 to 21 placement, the placement must be made in accordance with and adhere to all existing ICPC regulations. If the receiving state is unwilling to provide supervision and services

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through ICPC, the county child welfare agency is responsible for developing a plan with the young adult to ensure requirements for Foster Care 18 to 21 services and benefits are met on an ongoing basis.